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### **REMARKS / ARGUMENTS**

Claims 1 and 10-28 are pending in this application. By this Amendment, Applicant AMENDS claim 1, CANCELS claims 2-9, and ADDS claims 10-28.

Applicant affirms the election without traverse of claims 1, 2, and 5-9. New claims 10-13, 16-23, and 26-28 read on the elected species. New claims 14, 15, 24, and 25 read on the non-elected species. Applicant respectfully requests that the Examiner rejoin and allow withdrawn claims 14, 15, 24, and 25 when generic claim 1 is allowed.

Applicant greatly appreciates the Examiner extending the courtesy of a telephone interview on September 27, 2005 to discuss amended claim 1 and new claims 10-28. The Examiner tentatively agreed that the claims distinguished over Kondo et al.

Claims 1, 2, and 5-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kondo et al. (US 5,949,294). Claims 2 and 5-9 have been canceled. Applicant respectfully traverses the rejection of claim 1.

Claim 1 has been amended to recite:

A crystal oscillator device comprising:  
a crystal resonator having a resonator package, the resonator package including a resonating member and a retaining member supporting the resonating member in the resonator package;  
a circuit board having an oscillator circuit;  
at least one supporting member arranged between the resonator package and the circuit board to support the resonator package above the circuit board such that the resonator package is spaced away from the circuit board, wherein **at least one portion of at least one side of the resonator package is not supported by the at least one supporting member.** (Emphasis added.)

With the unique combination and arrangement of elements recited in Applicant's claim 1, including the feature of "at least one portion of at least one side of the resonator package is not supported by the at least one supporting member," Applicant has been able to provide a crystal oscillator device having a vibration isolation function which does not inhibit size reduction (see, for example, the third and fourth paragraphs on page 2 of the originally filed specification).

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In contrast to Applicant's claim 1, Kondo et al. teach supporting members (1a, 14a, 14d) that support all portions of all sides of the resonator package (5). Accordingly, the device of Kondo et al. cannot provide a vibration isolation function since any vibration of the circuit board is transmitted to all portions of all sides of the resonator package.

Accordingly, Applicant respectfully submits that Kondo et al. fail to teach or suggest the feature of "at least one portion of at least one side of the resonator package is not supported by the at least one supporting member," as recited in Applicant's claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Kondo et al.

New claim 27 recites the feature "wherein the resonator package is supported at less than all sides of the resonator package."

In contrast to Applicant's claim 27, Kondo et al. teach supporting members (1a, 14a, 14d) that support all sides of the resonator package (5).

Accordingly, Applicant respectfully submits that Kondo et al. fail to teach or suggest the feature of "wherein the resonator package is supported at less than all sides of the resonator package," as recited in Applicant's claim 27.

New claim 28 recites the feature of "a plurality of separate, spaced apart supporting members extending between the resonator package and the circuit board."

In contrast to Applicant's claim 28, Kondo et al. teach supporting members (1a, 14a, 14d) that uniformly support the entire periphery of the resonator package (5) without any separation or spaces between the plurality of the supporting members.

Accordingly, Applicant respectfully submits that Kondo et al. fail to teach or suggest the feature of "a plurality of separate, spaced apart supporting members extending between the resonator package and the circuit board," as recited in Applicant's claim 28.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1, 27, and 28 are allowable. Claims 10-13, 16-23, and 26 depend upon

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allowable claim 1, and are therefore allowable for at least the reasons that claim 1 is allowable.

In addition, as noted above, claim 1 is generic. Accordingly, Applicant respectfully requests that the Examiner rejoin and allow withdrawn claims 14, 15, 24, and 25.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a One-month Extension of Time, extending to October 13, 2005, the period for response to the Office Action dated June 13, 2005.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,



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